

Charter and Ordinance Review Committee
Meeting Minutes
January 18, 2007

The Bethany Beach Charter and Ordinance Review Committee held a meeting on Thursday, January 18, 2007 in the Town Meeting Room.

Members present: Tony McClenny, Chairman, who presided: Jerry Dorfman, John Gaughan, Fulton Loppatto, Jim Etchechury and Chuck Peterson. Excused: Dowell Anders and Paul Denault.

Also present: John Eckrich, Building Inspector; JoAnna Nichols, Administrative Secretary and interested members of the public.

Call to Order

Mr. McClenny called the meeting to order at 2:00 p.m.

Approval of the Agenda

Mr. Peterson made a motion to approve the agenda. The motion was seconded by Mr. Dorfman and unanimously approved.

Approval of the Minutes from November 16, 2006

Mr. Peterson made a motion to approve the minutes as amended. The motion was seconded by Mr. Dorfman and unanimously approved.

Old Business

Absentee Ballot Procedure / Update report on Town Solicitor letter

Mr. McClenny stated that the "update report" was not ready for discussion as the Town's Attorney still needed to check on the language. In the meantime, Mr. Killmer updated committee members on his meeting with Mr. Frank Calio (November 20, 2006) regarding the registration of absentee ballots. The issue was whether non-residents should be allowed to vote. Currently, when an individual wants an absentee ballot, that individual requests a ballot form. Second, the applicant fills out the ballot form and mails it back (or they have the option of dropping it off at Town Hall). Third, the ballot is mailed (or given in person) to the applicant as long as they have the proper identification with them. From that point, (to be recognized) the ballot must be *correctly* filled out along with the proper attachment of identification and received at Town Hall prior to the election.

Future discussion is to follow.

Moving on, the question of whether or not an individual listed through a "trust" is able to vote. The answer is yes. Per Title 15 states, as long as the individuals name is listed in the voting eligibility section and they have the proper identification, it is allowed.

Mr. McClenny agreed with Mr. Killmer that prior to the next election, the Town should advertise as well as publicize a notice of this change.

There were no objections.

Town Code, Chapter 100 Commercial Activities and Concessionaires

Moving on, Mr. McClenny referred to the handout of Chapter 100: Commercial Activities and Concessionaires (revised by Mr. Killmer). Mr. McClenny suggested reviewing this document page by page making any necessary changes or corrections.

There were no objections.

The corrections were as follows:

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§ 100-2. Compliance required.

No person shall conduct any commercial activity or business on any street, sidewalk, boardwalk or public right-of-way or any MORE District upon the public beach within the Town of Bethany Beach except as hereinafter provided.

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§ 100-3. Permits

A. Boardwalk and MORE area. The Town Manager may issue a temporary permit to any nonprofit organization to conduct a commercial activity or business on the public boardwalk, and MORE area provided that such organization certifies that the proceeds there from shall be utilized by it in furtherance of its nonprofit purposes. No organization shall be entitled to obtain temporary permits under this section to conduct such activities in excess of three days during any calendar year.

- Pages 2 & 3

§ 100-4. Exemptions [Amended 3-21-1986 by Ord. No. 166]

Section A was stricken from the document and the section was renumbered.

Since no additional changes were made, a motion was made by Mr. Dorfman to forward Chapter 100: Commercial Activities and Concessionaires to the Town Council as amended. The motion was seconded by Mr. Peterson and unanimously approved.

Town Charter, Chapter 24 Referendum

Mr. Loppatto started the discussion by stating if you cannot get enough voters within the town, an alternative could be to do a mass mailing (extending to those outside of town). Mayor Olmstead quickly injected that that was neither allowed nor legal. Mr. Dorfman said the time to accumulate voters would be during the summer, when people are here.

In order to clarify any possible confusion, Mr. Killmer pointed out that the voting procedures are not the same as the procedure to collect signatures. He stated the actual voting revolves around the municipal election and is done with absentees. Mr. Killmer also mentioned that if the individual *is* an eligible voter, it does not matter if they are in Rehoboth, Dewey, etc.

Mr. Gaughan stated he feels the referendum should be allowed. He also stated the individual should be a property owner, within town limits, and if that individual wants to ask a solicitor or friend to help, that should also be allowed.

At this time, a member of the audience (Dan Costello) said he felt the collector of signatures should be a registered voter. Mayor Olmstead agreed.

Mr. Killmer said what is written on the referendum should also be identical to how it appears on the voting machine. Mr. Gaughan stated he agrees completely.

Mr. McClenny told committee members he clearly heard and understood how the committee feels. Therefore, he will create a 'paper' to be discussed at next months meeting regarding these issues. He asked if anyone would be interested in volunteering to help with this. Mr. Peterson offered.

New Business

Nothing new at this time.

Before making a motion to adjourn the meeting, Mr. Killmer asked about the relocation of houses in Bethany Beach. Mr. McClenny informed everyone that that subject would be on next months agenda.

Mr. Etchechury made a motion to adjourn the meeting at 3:10 p.m. The motion was seconded by Mr. Peterson and unanimously approved. The next scheduled meeting will be Thursday, February 15, 2007 at 2:00 pm.

Respectfully submitted:

JoAnna Nichols
Administrative Secretary